



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, CA 94105-3901

MAY 21 2015

Alice Tybo
Tribal Chairperson
South Fork Band Council
21 Lee, Unit-13
Lee, Nevada 89815

RE: U.S. EPA Indian Environmental General Assistance Program
GA-00T90401-3
Application Due:

JUN 26 2015

Dear Chairperson Tybo:

I am pleased to inform you that your proposal submitted to this office under the U.S. Environmental Protection Agency's Indian Environmental General Assistance Program (GAP) has been tentatively approved for funding. At this time, I am setting aside \$129,400 of funding to support your GAP for one year. An additional \$7,300 for student interns has been tentatively set aside. The total tentative award for your GAP is \$136,700.

Also, in a separate budget and work plan, please include \$3,000 for annual audit and \$5,300 for land rent as supplemental funding for your program. If additional GAP funds become available and your requests are approved, some or all of your supplemental requests may be awarded.

The terms and conditions of the grant contained a requirement that the tribe submit an interim Federal Financial Report (FFR) no later than 90 days after the expiration of the grant, or December 30, 2014. The tribe has not submitted the FFR. If EPA does not receive an interim FFR within 21 days, your new grant award may be delayed, reduced, or denied.

In addition, we have not received the Tribe's second quarterly reports and all associated deliverables from the current grant year. These reports are due 30 days after the end of each quarter. Timely submission of quarterly reports and deliverables are part of the programmatic terms and conditions of your GAP grant. **An award for FY 2016 cannot be made until the Tribe's reporting is brought current. Continued failure to submit these reports may result in a delay, reduction, or denial of the Tribe's FY 2016 award.**

Work plan submission, negotiation, and approval will be conducted electronically in GAP Online. The comments attached here for your reference are also available in GAP Online. If we receive your complete application and an **approvable** revised work plan by the due date we will make every effort to award the grant by September 30, 2015. This funding will support work plan activities from October 1, 2015 to September 30, 2016. Please do not incur any costs under this work plan until the official grant award document has been signed and dated by the EPA Award Official. Any costs incurred before the date of award will not be reimbursed.

This letter does not constitute a grant award. In order to receive funding, the South Fork Band Council will need to complete an Application for Federal Assistance (SF-424). **The complete application, including an approvable work plan, must be submitted for EPA review by the due date indicated above.** Materials can be submitted earlier and will be processed on a first-come, first-served basis. Please note that in completing your application, you will need to enter the GAP Catalog of Federal Domestic Assistance Number (CFDA), required in box #11 on the SF-424A application form, 66.926.

New Process for Submitting Your GAP Grant Application

Effective February 17, 2015, EPA grant applicants **must** use Grants.gov to submit their applications. The Grants.gov registration process can take up to 30 days to complete. Therefore, it is highly recommended that EPA applicants complete their registration on Grants.gov now. Also, your organization's registration in SAM.gov must be active to utilize Grants.gov. If it appears that the grants.gov registration process may prevent you from submitting your application by the due date aforementioned, then please contact Support@grants.gov or call 1-800-518-4726 as support is available 24 hours a day and 7 days a week. You should also notify your Project Officer before the application due date to request an extension.

Please review both Attachment 2 (Grants.gov Instructions Guide) and Attachment 3 (Region 9 Guidance Information for Applicants) or go to <http://www.epa.gov/region9/funding/information.html> to find additional resources on Grants.gov, Federal Regulations, and new EPA requirements. We suggest you forward these materials to your Project Manager, Financial Officer and any other personnel in your organization requiring this information.

I look forward to working with you and your staff under the General Assistance Program. Questions regarding the completion of the application forms as well as the mandatory use of grants.gov should be referred to Renee Chan, Grants Management Specialist, at (415) 972-3675. You can also contact your GAP Project Officer, Gilbert Pasqua at (415) 972-3788 if you have questions regarding this letter, the work plan or the General Assistance Program.

Sincerely,



Laura M. Ebbert
Manager
Tribal Section

Enclosures

1. Work Plan Comments
2. Grants.gov Instructions Guide
3. Region 9 Guidance Information for Applicants

cc: Sherri Knight, Environmental Director (with work plan comments)
Virgil Townsend, Tribal Administrator

GAP 2015-2016 Work Plan Comments

South Fork Band Council

Thank you for developing an outcome-oriented work plan. The following observations and requests were written with the intent of strengthening the Tribe's GAP work plan, identifying possible assistance, and ensuring the work plan meets GAP guidelines. These comments pertain to the 2015-2016 work plan that was submitted with your GAP proposal in GAP Online. Please ensure that these comments are addressed in your final GAP work plan in GAP Online.

General Definitions and References

1. The following references are useful for understanding GAP in general, for getting an understanding for environmental outcomes, etc.
2013 Guidance on the Award and Management of General Assistance Program Agreements and Appendix I, Guidebook for Building Tribal Environmental Program Capacity
<http://www.epa.gov/region09/funding/pdfs/tribal-gap14/fy2014-r9-gap-guidance.pdf>
GAP Act (<http://www.epa.gov/Indian/pdfs/4368b.pdf>)
2015 GAP Grant Notification (<http://www.epa.gov/region09/funding/tribal-gap.html>)
EPA Strategic Plan (<http://www2.epa.gov/planandbudget/strategicplan>)
2. Environmental outcomes should be expressed in terms of improvements to public health, the environment, or human behavior. They can also reflect improved tribal capacity to protect public health or the environment. Intermediate outcomes could reflect: a) improved human health or environmental conditions, b) reduced risks to human health or the environment, c) increased tribal capabilities in legal, enforcement, technical, communication, or administrative areas. Long-term outcomes could include attainment of desired environmental conditions (e.g., water quality standards are met) or human health goals, attainment of a desired capacity to plan, develop, implement, manage and sustain tribal environmental programs.
3. Please ensure that each component in your work plan contains one or more capacity indicators that appropriately links to the commitments. Capacity indicators represent the destination of the Tribe's work and therefore the Tribe should express how it will accomplish the tasks necessary to achieve the indicators proposed in its commitments. Moreover, capacity indicators should ideally be placed in the "Measures" section for each component in the work plan. More information on the appropriate use of indicators is found on page 13 of the GAP Guidance. A suite of indicators that the Tribe may consider for inclusion in its work plan is contained in Appendix I of the GAP Guidebook.
4. Please ensure that the total work plan Estimated Component Costs add up to the total approved budget amount indicated in the cover letter, and that the total work plan Estimated Work Years adds up to the total number of approved personnel funded under GAP. I have attached a document entitled "Component Cost and Work Years Guidance" that will help you to correctly identify Component Costs and Work Years to comply with this request.

5. **Greening Grants Policy:** EPA Region 9 has adopted a Greening Grants Policy which encourages grantees to carry out their EPA grant funded projects in a greener way. Your Project Officer will work with you to determine whether it is feasible to incorporate green practices into your work plan. The Greening Grants Policy includes an attachment which describes many useful green practices. The policy furthers the objectives of EPA's 2011-15 Strategic Plan. The link to Greening Grant Policy is on the Region 9 Website Homepage, <http://www.epa.gov/region9/funding/greening-grants.html>

6. **Regarding Indirect Costs:**

For Fixed/Carry forward Tribal IDC rates:

- EPA may allow IDC costs to be budgeted for grants when indirect costs rates have been approved within the preceding three fiscal years. When IDC rates are not current at the time of the grant award, a term and condition will be used to require the Tribe to notify EPA and refund any overfunded amounts.

Please refer to CFR 2, Part 200, Section 200.414 for more information regarding indirect cost rates. This is a change from FY 13 and FY 14 IDC negotiations. Please work with your project officer when budgeting for a 10% IDC.

*MTDC is the total budget minus equipment and contractual costs.

BUDGET COMMENTS

The GAP core budget for FY2016 is \$129,400. An additional \$7,300 for student interns has been tentatively set aside. The total tentative award for your GAP is \$136,700.

The following line items need to be adjusted:

Travel: \$4,000 in travel was approved. Please adjust your budget accordingly. If the need arises for more travel, then the tribe can apply to the Owens Valley Indian Water Commission for the Tribal Travel Fund. Please contact your project officer for more information.

Supplies: Nothing was awarded in this cost category; please revise in your budget.

Other: A radon program has not been developed prior to this year's request for radon testing equipment in the amount of \$15,000. Therefore, this request was denied.

The request for \$5,000 to conduct riparian habitat/species analysis was not approved because this analysis does not match the current focus of the tribal environmental program work plan.

The request for \$17,000 for solid waste management was not approved because GAP cannot pay for operations and maintenance of the solid waste transfer station.

Equipment: The request for a \$28,000 for a truck was not approved.

Also, in a separate budget and work plan, please include \$3,000 for annual audit and \$5,300 for land rent as supplemental funding for your program. If additional GAP funds become available and your requests are approved, some or all of your supplemental requests may be awarded.

WORK PLAN COMMENTS

Throughout the work plan, Commitment End Dates are identified beyond 9/17/2016. Commitment End Dates should reflect the actual expected completion date of the commitment, and should all reflect dates on or before the end of the grant year.

Please ensure each commitment provides **why** the Tribe has proposed each activity, **who** will need to do **what, where, when** and **how**, to complete proposed activities. This type of information helps quantify the level of effort (FTE and Cost) required to complete commitments, which in turn helps project officers determine if identified costs appear reasonable. Build this type of information into each of your commitment descriptions.

Please correct any typographic errors in your work plan. Please note that GAP Online does not accept special punctuation or characters including quotation marks, apostrophes, semicolons, or parenthesis.

Joint Evaluation: Portions of a Joint Evaluation process are missing. Please see Attachment F from the notification to ensure that the work plan contains a process in which EPA and the Tribe together evaluate the successes of the Tribe under GAP. The attachment can be found at:

<http://www.epa.gov/region9/funding/pdfs/tribal-gap/fy2015-r9-gap-notification-attach-d-workplan-quarterly-report.pdf>

Component 1: Management of Environmental Office

Please correct all typographic errors in the measures section of this component.

Commitment 1.1:

In the description section, please remove “monitoring activities” because the GAP program cannot pay for on-going monitoring.

The cost of this commitment seems high. Please provide additional information to support the anticipated commitment cost.

In the outputs and deliverables section, please identify what will be submitted to EPA.

Commitment 1.2:

In the outputs and deliverables section, please add “meeting notes will be submitted to EPA.”

Commitment 1.3:

In the description section, please remove “food sovereignty” as this is not part of the GAP program.

In the outputs and deliverables section, please identify what will be submitted to EPA.

Commitment 1.4:

In the outputs and deliverables section, please identify what will be submitted to EPA.

Commitment 1.5:

This commitment seems fine.

Commitment 1.6:

Please remove this commitment from your work plan as the work appears to be ineligible.

Component 2: Travel and Training**Commitments 2.1 and 2.2:**

These commitments look fine.

Commitment 2.3:

In the description section, please rewrite the description with what meetings, trainings, and workshops will be attended.

In the outputs and deliverables section, please identify what will be submitted to EPA.

Commitment 2.4:

In the outputs and deliverables section, please identify what will be submitted to EPA.

Component 3: Environmental Research**Commitment 3.1:**

In the description section, rewrite this section and describe what will be done under this commitment.

In the outputs and deliverables section, please identify what will be submitted to EPA.

Commitment 3.2-3.4:

Please remove these commitments.

Radon testing was not approved for this year. The Tribe will need to do more planning and development of the radon program prior to any radon testing.

Noxious weed work is not fundable under GAP.

Native species work cannot be completed under GAP

Component 4: Pollution Prevention (Recycling)

Integrated Solid Waste Management Plan (ISWMP) Development: Deliverables must include a final copy of the ISWMP signed or approved by the Tribal Council. The Region 9 Tribal Solid Waste Team is available to provide technical assistance and a comprehensive review during development of the ISWMP. The Team also has helpful ISWMP templates available by request and examples available online. It is strongly recommended that the Tribe submit a draft ISWMP to the Tribal Solid Waste Team for review and comment approximately 2 months before final approval. During this review, the Tribal Solid Waste Team can work with the Tribe to ensure critical components of a successful ISWMP are included and discuss the Tribe's individual needs.

Commitment 4.1:

In the description section, it is unclear why this work is identified as a commitment when the tribe already operates a transfer station. GAP cannot pay for operations and maintenance of the transfer station.

Commitment 4.2:

This commitment looks good.

Component 5: Community Development**Commitment 5.1:**

In the description section, please include more detail about community-based environmental events that will be conducted.

In the outputs and deliverables section, please identify what will be submitted to EPA.

Commitment 5.2:

In the description section, please remove the word “maintenance” since GAP must develop new capacities.

